

## § 1480.20

and are at least 30 years old and 12 inches in diameter.

### § 1480.20 Misrepresentation and scheme or device.

(a) A producer who is determined to have erroneously represented any fact affecting a program determination made in accordance with this part shall not be entitled to disaster payments and must refund all such payments received, plus interest as determined in accordance with part 1403 of this chapter.

(b) A producer shall refund to CCC all disaster payments, plus interest as determined in accordance with part 1403 of this chapter, received by such producer with respect to all contracts if the producer is determined to have knowingly done any of the following.

- (1) Adopted any scheme or device that tends to defeat the purpose of the program;
- (2) Made any fraudulent representation; or
- (3) Misrepresented any fact affecting a program determination.

### § 1480.21 Offsets, assignments and debt settlement.

(a) Except as provided in paragraph (b) of this section, any payment or portion thereof to any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor except agencies of the U.S. Government. The regulations governing offsets and withholdings found at part 1403 of this chapter apply to payments.

(b) Any producer entitled to any payment may assign any payments in accordance with regulations governing the assignment of payments found at part 1404 of this chapter.

(c) A debt or claim may be settled according to part 1403 of this chapter.

### § 1480.22 Compliance with highly erodible land and wetland conservation provisions.

Part 12 of this title applies to this part.

## 7 CFR Ch. XIV (1-1-05 Edition)

### PART 1481—SUGAR BEET DISASTER PROGRAM

Sec.

- 1481.1 Applicability.
- 1481.2 Administration.
- 1481.3 Definitions.
- 1481.4 Producer eligibility.
- 1481.5 Sign-up period.
- 1481.6 Proof of loss.
- 1481.7 Indemnity benefits.
- 1481.8 Availability of funds.
- 1481.9 Limitations on payments.
- 1481.10 Crop insurance linkage.
- 1481.11 Miscellaneous provisions.

AUTHORITY: Pub. L. 106-387, 114 Stat. 1549; Pub. L. 108-7, 117 Stat. 11; 15 U.S.C. 714 *et seq.*

SOURCE: 68 FR 49330, Aug. 18, 2003, unless otherwise noted.

#### § 1481.1 Applicability.

(a) This part sets forth the terms and conditions applicable to the Sugar Beet Disaster Program.

(b) Producers who were prevented from planted sugar beets, or who suffered either quantity or quality losses in excess of 35 percent to sugar beets while in the field in 2001 or 2002 due to adverse weather will be considered eligible for benefits for either of those years, but not both.

#### § 1481.2 Administration.

Where circumstances preclude compliance with §1481.4 due to circumstances beyond the applicant's control, the FSA county or State committee may request that relief be granted by the Deputy Administrator under this section. In such cases, except for statutory deadlines and other statutory requirements, the Deputy Administrator may, in order to more equitably accomplish the goals of this part, waive or modify deadlines and other program requirements if the failure to meet such deadlines or other requirements does not adversely affect operation of the program and are not prohibited by statute.

#### § 1481.3 Definitions.

The definitions in this section shall apply to this part.

*Application* means the Sugar Beet Disaster Program Application, as provided by and available in any FSA office.

## Commodity Credit Corporation, USDA

## § 1481.7

*CCC* means the Commodity Credit Corporation.

*CDP* means the Crop Disaster Program authorized in 7 CFR part 1480.

*Deputy Administrator* means the Deputy Administrator of Farm Programs, Farm Service Agency, U.S. Department of Agriculture or a designee.

*Eligible losses* are any sugar beet losses in excess of 35 percent to either quantity or quality, that occur while the beets are still in the field and are due to adverse weather conditions.

*FSA* means Farm Service Agency.

*NAP* means the Noninsured Crop Disaster Assistance Program.

*RMA* means the Risk Management Agency.

### § 1481.4 Producer eligibility.

(a) Producers will be eligible under this part if they have suffered losses of more than 35 percent of sugar beets in 2001 or 2002 as a result of a weather related condition, or as further specified in this part.

(b) Payments may be made for losses suffered by an eligible producer who is now deceased or is a dissolved entity if a representative who currently has authority to enter into a contract for the producer signs the application for payment. Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment.

(c) As a condition to receive benefits under this part, a producer must have been in compliance with the Highly Erodible Land Conservation and Wetland Conservation provisions of 7 CFR part 12, for the 2001 or 2002 crop year, as applicable, and must not otherwise be barred from receiving benefits under 7 CFR part 12 or any other law.

### § 1481.5 Sign-up period.

A request for benefits under this part must be submitted to CCC at the FSA county office which serves the farm on which the affected sugar beets were planted or prevented from being planted. All applications must be filed in the FSA county office between September

15, 2003 and no later than the close of business on October 31, 2003, or another date determined and announced by the Deputy Administrator.

### § 1481.6 Proof of loss.

(a) Where available and determined accurate, RMA loss records will be used for insured sugar beets.

(b) For producers without crop insurance, the producer must provide documentation including the number of acres, yield, production, and sugar percent by unit for 2001 or 2002.

(c) Certifications by third parties or the owner and other such documentation will not be accepted.

(d) Producers shall certify to the accuracy of the information provided. All information provided is subject to verification and spot checks by CCC. Failure to provide information requested by the FSA county committee or by any agency official is cause for denial of any application filed under this part.

### § 1481.7 Indemnity benefits.

(a) Eligible producers with losses in excess of 35 percent in both 2001 and 2002 will have a choice of receiving payments of either 2001 or 2002 crop year, but not both.

(b) Eligible producers with losses in excess of 35 percent in one of either 2001 or 2002 may receive benefits for that year.

(c) Eligible producers will receive payments based on the higher of the following:

(1) For producers with crop insurance, 60 percent of their crop insurance indemnity.

(2) For any producer, with or without crop insurance, 65 percent of the higher of the producer's Actual Production History (APH) or the county average yield, minus actual yield, times 55 percent of the following Multi-Peril Crop Insurance (MPCI) price elections:

(i) For 2001 crop \$36 per ton.

(ii) For 2002 crop \$33 per ton.

(3) For any producer, with or without crop insurance, 100 percent of the higher of the producer's APH or the county average yield, minus the actual yield times \$12.50 per ton.